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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA
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13 vs. Plaintiff-Respondent,
14 VICTOR SAVCHENKO
15 Defendant-Petitioner.

CASE NO. 01cr1652 JM
CIVIL NO. 07cv0496 JM

**ORDER DENYING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS; SCHEDULING ORDER**

16 On or about March 16, 2009 Petitioner filed a Motion to Vacate, Set Aside or Correct a
17 Sentence Pursuant to 28 U.S.C. §2255 (“Motion”) accompanied by an in forma pauperis motion. This
18 order addresses the in forma pauperis motion and sets a briefing scheduling on the Motion.

19 **MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

20 Petitioner moves to proceed in forma pauperis pursuant to 28 U.S.C. §1915. That statute
21 permits indigent individuals to commence or prosecute an action without prepayment of filing fees.
22 Because motions brought pursuant to 28 U.S.C. §2255 do not require the payment of filing fees, the
23 motion is denied as moot.

24 **SCHEDULING ORDER**

25 1. **RESPONDENT IS ORDERED** to file an answer or other responsive pleading to the
26 Motion. Respondent shall file the pleading no later than May 15, 2009. The answer shall include any
27 and all transcripts or other documents relevant to the determination of the issues presented in the
28 Motion.

2. **RESPONDENT IS FURTHER ORDERED** to serve a copy of the pleading upon the Petitioner concurrent with the filing of the pleading with the Court.

3. **IT IS FURTHER ORDERED** that if Petitioner wishes to reply to the pleading, a traverse or other appropriate pleading must be filed no later than June 19, 2009.


4. **IT IS FURTHER ORDERED** that Petitioner shall serve upon Respondent a copy of every further pleading or other document submitted for this Court's consideration. Petitioner shall include with the original paper to be filed with the Clerk of Court a certificate of service stating the manner in which a true and correct copy of any document was served on the Respondent or Respondent's counsel and the date of service. Any paper received by a district judge or magistrate judge which has not been filed with the clerk or which fails to include a certificate of service will be disregarded by the Court.

5. **IT IS FURTHER ORDERED** that the Clerk of Court shall serve a copy of this order and the Motion on the United States Attorney General or an authorized representative.

6. **IT IS FURTHER ORDERED** that this matter is appropriate for decision without oral argument pursuant to Local Rule 7.1(d)(1).

IT IS SO ORDERED.

DATED: March 30, 2009


Hon. Jeffrey T. Miller
United States District Judge

cc: All parties